



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
COLUMBIA ENVIRONMENTAL FIELD OFFICE

1421 HAMPSHIRE PIKE
COLUMBIA, TENNESSEE 38401
PHONE (931) 380-3371 STATEWIDE 1-888-891-8332 FAX (931) 380-3397

February 28, 2011

Milton Beard
7500 G. Lawrence Road
Santa Fe, TN 38482

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 91 7108 2133 3938 7493 7910

Subject: **NOTICE OF VIOLATION**
Potts Branch
Maury County, TN

Dear Mr. Beard:

On the morning of February 22, 2011, our office received a complaint of manure in a creek adjacent to Lick Creek Road. Chad Augustin and I investigated the complaint. Our investigation revealed large masses of gray bacteria coating the bottom of Potts Branch downstream of Blackjack Ridge Dairy. The water was very turbid and foamy and had an odor consistent with manure.

We met with Mr. Chris Beard at the dairy. He explained that the operation recently had a problem with a pump cut off switch in the tank used to provide recycled waste water to the barns. He stated that the system involved pumping water from the second lagoon to the tank and that the cut off switch for the pump had failed causing the tank to overflow. We then investigated the area around the tank and noted where the tank had discharged the waste water down a steep hill and into a wet weather conveyance flowing toward Potts Branch. Down gradient of the location of the spill, we observed a spring discharging discolored water. The water was foamy with an odor consistent with manure. This spring discharges into Potts Branch.

All necessary steps must be taken to avoid further discharges into the Branch. Allowing a discharge of pollutants to enter waters of the state is a violation of T.C.A. §69-3-114, which states, in part:

69-3-114. Causing pollution or refusing to furnish information. – (a) it is unlawful for any person to discharge any substance into waters of the state or to place or cause any substance to be placed in any location where such substances, either by themselves or in combination with others, cause any of the

damages as defined in §69-3-103(22), unless such discharge shall be due to an unavoidable accident or unless such action has been properly authorized. Any such action is declared to be a public nuisance.

This letter serves as a formal **Notice of Violation** and by copy will inform our Enforcement and Compliance Section of the violations. Violations of the *Act* may subject you to civil penalties for each day the violation occurs or continues to occur. To avoid additional violations, you must immediately take all necessary steps to avoid the release of pollutants from this operation. If you have questions concerning this correspondence, please contact me at (931) 490-3943.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cody Chapman", written in black ink.

Cody Chapman
Environmental Specialist
Division of Water Pollution Control

cc: Patrick Parker, WPC Enforcement & Compliance
John McClurkan, Department of Agriculture